

MEMORANDUM ENDORSEMENT

DeLeon et al v. Dunaway et al,
7:22-cv-6039 (NSR)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>08/30/2022</u>
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The Court is in receipt of the attached moving papers from *pro se* Defendant Douglas Dunaway, filed August 29, 2022, seeking to dismiss Plaintiffs' Complaint on several bases. The Court is also in receipt of the attached letter from *pro se* Defendant Douglas Dunaway, dated August 26, 2022, but entered August 29, 2022, with a suggestion of death under FRCP 25 of his wife and named co-defendant Maria Louise Dunaway.

With respect to the filed moving papers, the Court recognizes that "*pro se* litigants may in general deserve more lenient treatment than those represented by counsel." *McDonald v. Head Criminal Court Supervisor Officer*, 850 F.2d 121, 124 (2d Cir. 1988). However, that a party proceeds *pro se* "does not exempt [the] party from compliance with relevant rules of procedural and substantive law." *Traguth v. Zuck*, 710 F.2d 90, 95 (2d Cir. 1983) (citations omitted).

Accordingly, the Court DENIES *pro se* Defendant Douglas Dunaway's motion to dismiss without prejudice with leave to refile for failure to follow this Court's Individual Rules of Practice in Civil Cases.¹ See Sec. 3.A.ii ("A pre-motion conference with the Court is required before making any other motion To arrange a pre-motion conference, the moving party shall submit a letter, not to exceed three pages, setting forth the basis for the anticipated motion. The opposing party shall submit a letter, also not to exceed three pages, setting forth its position within three business days from the service of the moving party's letter. If a premotion conference is requested in connection with a proposed motion to dismiss, the request will stay the deadline for the requesting party to move or answer, and a new deadline will be set at the conference.").

Additionally, the Court REMINDS *pro se* Defendant Douglas Dunaway, as it did in its endorsement issued yesterday (see ECF No. 20), that he may only make filings on his own behalf and not on behalf of his other *pro se* co-Defendants, as he did in his motion to dismiss. See *In re Texaco Inc. Shareholder Derivative Litig.*, 123 F. Supp. 2d 169, 172 (S.D.N.Y. 2000) ("It is well-established . . . that th[e] right to proceed *pro se* does not encompass the right to proceed *pro se* on behalf of the interests of another." (citing cases)). Again, if the *pro se* Defendants in this case wish to make a joint request, they must expressly note it as such in the applicable filing and each *pro se* Defendant must sign the applicable filing.


And with respect to the filed suggestion of death, in view thereof, the Court hereby STAYS this action for 90 days, or November 28, 2022. The Court directs the parties to FRCP 25(a)(1), which provides that "[a] motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days of service of a statement noting the death, the action by or against the decedent must be dismissed."

¹ Available at: <https://www.nysd.uscourts.gov/hon-nelson-s-roman>.

The Clerk of the Court is directed to terminate the motion at ECF No. 21, mail a copy of this memorandum endorsement to *pro se* Defendants Douglas and Michael Dunaway's at their address on 4 Staub Court, Mamaroneck, NY 10543, and show service on the docket.

Dated: August 30, 2022
White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jason DeLeon, Ana Carraca-DeLeon

Ariela Rosa Mori-Gehring and Walter Gehring

Write the full name of each plaintiff or petitioner.

Case No. 7:22 CV 06039 NSR

-against-

Douglas Dunaway, Maria Louise Dunaway

and Michael Dunaway

Write the full name of each defendant or respondent.

NOTICE OF MOTION

PLEASE TAKE NOTICE that

Defendant

Douglas Dunaway

plaintiff or defendant

name of party who is making the motion

requests that the Court:

Dismiss the complaint in its entirety pursuant to FRCP 12(B) due to 1. Lack of subject matter jurisdiction; 2. Lack of personal jurisdiction; 3. Improper venue; 4. Insufficiency of process; 5. Failure to state a claim on which relief can be granted; 6. Failure to join the Village of Mamaroneck Police Department as a party and for such other and further relief as the Court Deems fit.

Briefly describe what you want the court to do. You should also include the Federal Rule(s) of Civil Procedure or the statute under which you are making the motion, if you know.

In support of this motion, I submit the following documents (check all that apply):

- ☒ a memorandum of law
- ☒ my own declaration, affirmation, or affidavit
- ☐ the following additional documents:

August 30, 2022

Dated

Douglas Dunaway

Name

4 Staub Court

Address

(914) 698-9215

Telephone Number (if available)


Signature

Prison Identification # (if incarcerated)

Mamaroneck, NY 10543

City

State

Zip Code

E-mail Address (if available)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jason DeLeon, Ana Carraca-DeLeon

Ariela Rosa Mori-Gehring and Walter Gehring

Fill in above the full name of each plaintiff or petitioner.

Case No. 7:22 CV 06039 NSR

-against-

Douglas Dunaway, Maria Louise Dunaway

and Michael Dunaway

Fill in above the full name of each defendant or
respondent.

DECLARATION

I Douglas Dunaway, a defendant, herein submit this declaration in support of
my motion to dismiss the compliant pursuant to FRCP 12b.

Briefly explain above the purpose of the declaration, for example, "in Opposition to Defendant's
Motion for Summary Judgment."

I, Douglas Dunaway, declare under penalty of perjury that the
following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court
order. You may also refer to and attach any relevant documents.

I have read the compliant in its entirety and it is essentially a smear compliant by the plaintiffs and their attorney.

The compliant lists specific acts that are not specifically assigned to any defendants. The compliant is incendiary
and designed to enrage the court, gain and court the attention of the media and to the cost of myself and my family.
Essentially, I am being accused of fraud, false reporting and various criminal activities. Why are there no arrest records?
This isn't a civil compliant is is a criminal compliant. It is alleging that my family and myself somehow conspired with th
Village of Mamaroneck Police Department to deprive Plaintiffs of the use and enjoyment of their property by criminal
behavior. This matter has been in the media and this is a shameless money grab. The matter belongs in state court

Because the allegations listed by plaintiffs are necessary conclusive statements with no direct allegations against myself,

the compliant against me must be dismissed. There is a thinly veiled allegation that my family and I have taken advantage of my wife's so-called governmental connections because of her position as a clerk? That is not a compliant that can be tried without adjoining the police department. Plaintiffs cannot cherry pick who they prosecute.

Attach additional pages and documents if necessary.

August 30, 2022

Executed on (date)

Douglas Dunaway

Name

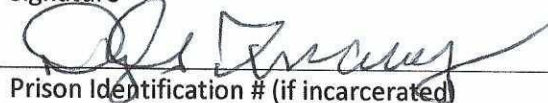
4 Staub Court

Address

(914) 698-9215

Telephone Number (if available)

Signature



Prison Identification # (if incarcerated)

Mamaroneck,

NY

10543

City

State

Zip Code

E-mail Address (if available)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JASON DELEON, ANA CARRACA-DELEON,
ARIELA ROSA MORI-GEHRING, and
WALTER GEHRING,

Plaintiffs,

-against-

DOUGLAS DUNAWAY, MARIA LOUISE
DUNAWAY, and MICHAEL DUNAWAY,

Defendants.

Case No.: 7:22-cv-06039-NSR

**Memorandum of Law In Support of
Dismissal Pursuant to FRCP 12.**

Defendant, Douglas Dunaway respectfully submits this memorandum of law in support of the motion to dismiss the complaint as against Douglas Dunaway.

ARGUMENT

In diversity cases, courts apply the law of the forum state to determine whether personal jurisdiction exists. *Jazini v. Nissan Motor Co., Ltd.*, 148 F.3d 181, 183–84 (2d Cir. 1998). In federal courts in New York, the Court considers whether (1) the defendant is subject to either general personal jurisdiction under N.Y. C.P.L.R. § 301 or specific jurisdiction under New York’s long-arm statute, N.Y. C.P.L.R. § 302; and (2) exercising personal jurisdiction over the defendant comports with the constitutional requirements of due process. *See, e.g., Verragio, Ltd. v. Malakan Diamond Co.*, No. 16 Civ. 4634 (CM), 2016 WL 6561384, at *2 (S.D.N.Y. Oct. 20, 2016).

Regardless of the theory of personal jurisdiction, Plaintiff must articulate some factual basis stating at least a *prima facie* claim of personal jurisdiction. *See Continental Indus. Grp., Inc. v. Equate Petrochemical Co.*, 586 Fed. App’x 768, 769 (2d Cir. 2014) (plaintiff “cannot establish jurisdiction through conclusory assertions alone” but must “establish[] jurisdiction with some factual specificity”) (citation omitted); *Jazini*, 148 F.3d at

185 (“conclusory statements— without any supporting facts—that I specifically deprived or plaintiffs of the use of their property etc., lack the factual specificity necessary to confer personal jurisdiction); *see also Mandel v. Busch Entm't Corp.*, 215 A.D.2d 455, 455, 626 N.Y.S.2d 270, 271 (1995) (“In this case, neither the complaint nor the plaintiffs’ opposition papers have set forth even conclusory allegations regarding a prospective basis upon which the court could exercise in personam jurisdiction over the defendant.”). The Complaint is devoid of any factual basis for jurisdiction over me.

To survive a motion to dismiss, a plaintiff must “support the viability of its claims by pleading sufficient non conclusory factual matter to set forth a claim that is plausible on its face.” *E.E.O.C. v. Port Auth. of N.Y. & N.J.*, 768 F.3d 247, 253 (2d Cir. 2014) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). The Court must “accept all allegations in the complaint as true and draw all inferences in the light most favorable to the non-moving party’s favor,” but need not accord “[l]egal conclusions, deductions or opinions couched as factual allegations . . . a presumption of truthfulness.” *In re NYSE Specialists Sec. Litig.*, 503 F.3d 89, 95 (2d Cir. 2007) (internal quotation marks omitted). And where, as here, the claims depend on interpretation of a contract, the Court “may dismiss the complaint where [the] contract[] [is] unambiguous and do[es] not support the plaintiff[’s] claim.” *Soroof Trading Dev. Co. v. GE Fuel Cell Sys., LLC*, 842 F. Supp. 2d 502, 509-10 (S.D.N.Y. 2012) (quoting *FlightSafety Int’l, Inc. v. Flight Options, LLC*, 418 F. Supp. 2d 103, 107 (E.D.N.Y. 2005)). To survive a motion to dismiss under Rule 12(b)(1), a plaintiff bears the burden of establishing the court’s jurisdiction through sufficient allegations. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992). Courts should “presume that [they] lack jurisdiction unless the contrary appears affirmatively from the record.” *Renne v. Geary*, 501 U.S. 312, 316 (1991) (citations omitted). In deciding a Rule 12(b)(1) motion, the district court may refer to evidence outside the pleadings, such as documents or affidavits, without converting the motion to one for

summary judgment. All. for *Envil. Renewal, Inc. v. Pyramid Crossgates Co.*, 436 F.3d 82, 88 n.8 (2d Cir. 2006).

To win a motion to dismiss under Rule 12(b)(6), a plaintiff's complaint must contain "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). This "plausibility" standard "asks for more than a sheer possibility that a defendant has acted unlawfully." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). In considering a motion under Rule 12(b)(6), "a district court may consider the facts alleged in the complaint, documents attached to the complaint as exhibits, . . . documents incorporated by reference in the complaint[,] "document[s] 'integral' to the complaint," and "matters of which judicial notice may be taken." *MMA Consultants 1, Inc. v. Republic of Peru*, 245 F. Supp. 3d 486, 498 (S.D.N.Y. 2017) (citations omitted). Further, "when faced with a motion to dismiss in the APA context, a court may consider the administrative record and public documents without converting the motion into a motion for summary judgment," *Bates v. Donley*, 935 F. Supp. 2d 14, 17 (D.D.C. 2013) (citing *Rempfer v. Sharfstein*, 583 F.3d 860, 865 (D.C. Cir. 2009)).

Rule 19 of the Federal Rules of Civil Procedure[6] sets forth a two-step inquiry for determining whether an action must be dismissed for failure to join an indispensable party. See *Associated Dry Goods Corp. v. Towers Fin. Corp.*, 920 F.2d 1121, 1123 (2d Cir. 1990). The first prong focuses on whether the parties should be joined if feasible. Specifically, Rule 19(a) provides, in relevant part:

A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in the person's absence complete relief cannot be accorded among those already parties, or (2) the person claims an interest relating to the subject of the action and is so situated that disposition of the action in the person's absence may (i) as a practical matter impair or impede the person's ability

to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of the claimed interest....

Under the second prong, Rule 19(b), a court must determine whether it can proceed in equity and good conscience without that party. Fed.R.Civ.P. 19(b). Unless Rule 19(a)'s threshold standard is met, however, the court need not consider whether dismissal under Rule 19(b) is warranted. *Associated Dry Goods Corp. v. Towers Fin. Corp.*, 920 F.2d 1121, 1123 (2d Cir.1990). Here as alleged against me, I along with my entire family have made fraudulent reports to the police, the police have supposedly allowed themselves to be manipulated by my family and as a result the rights of the plaintiffs have been violated?

An objection to standing is properly made on a Rule 12(b) (1) motion. See, e.g., *Steel Co. v. Citizens for a Better Environment*, *355 523 U.S. 83, 88-89, 118 S. Ct. 1003, 140 L. Ed. 2d 210 (1998) (contrasting standing, an issue implicating a federal court's subject matter jurisdiction, with the failure to state a cognizable claim, which is not a jurisdictional defect). A court, moreover, has an "independent obligation" to consider a party's standing even if the parties fail to raise the issue. See *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 230-31, 110 S. Ct. 596, 107 L. Ed. 2d 603 (1990).

To establish Article III standing the plaintiff must demonstrate that a "case or controversy" exists. *Gladstone, Realtors v. Village of Bellwood*, 441 U.S. 91, 99, 99 S. Ct. 1601, 60 L. Ed. 2d 66 (1979). At a minimum, the plaintiff must show three elements: (1) an injury in fact, (2) a causal nexus between the complained-of conduct and the injury, and (3) redressability of the injury. See, generally, *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61, 112 S. Ct. 2130, 119 L. Ed. 2d 351 (1992); see also *Gladstone*, 441 U.S. at 99, 99 S. Ct. 1601 ("In order to satisfy Art. III, the plaintiff must show that he personally has suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant.").

"[i]t is a long-settled principle that standing cannot be 'inferred argumentatively from averments in the pleadings.'" *FW/PBS, Inc.*, 493 U.S. at 231, 110 S. Ct. 596 (quoting *Grace v. American Central Ins. Co.*, 109 U.S. 278, 284, 3 S. Ct. 207, 27 L. Ed. 932 (1883)). Thus, plaintiff cannot establish standing simply by resting on conclusory allegations in the complaint. Instead, he must make some affirmative factual showing that he is entitled to have the court hear his case. See, e.g., *Warth v. Seldin*, 422 U.S. 490, 518, 95 S. Ct. 2197, 45 L. Ed. 2d 343 (1975) ("It is the responsibility of the complainant clearly to allege facts demonstrating that he is a proper party to invoke judicial resolution of the dispute and the exercise of the court's remedial powers."); *Thompson v. County of Franklin*, 15 F.3d 245, 249 (2d Cir.1994). Plaintiffs have not done this, as he has shown nothing outside the pleadings to suggest that he has suffered any personal injury, by me either actual or threatened.

Additionally the request for injunctive relief must also be dismissed. The request for injunctive relief alone is fatal because Article III allows courts to remedy only the invasion of a legally protected interest that is both "concrete and particularized" and "actual or imminent," but not one that is merely "conjectural or hypothetical" in nature. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560, 112 S. Ct. 2130, 119 L. Ed. 2d 351 (1992); see also *Whitmore v. Arkansas*, 495 U.S. 149, 155, 110 S. Ct. 1717, 109 L. Ed. 2d 135 (1990). In particular, with reference to the facts at hand, in a complaint challenging the validity of a contract, typically only the actual or alleged party to the contract is in a position to challenge its validity. See, e.g., *Williams v. Eggleston*, 170 U.S. 304, 309, 18 S. Ct. 617, 42 L. Ed. 1047 (1898).

In delimiting "federal question" or "arising under" jurisdiction, Congress has conferred upon the lower federal courts "jurisdiction to hear, originally or by removal from a state court, only those cases in which a well-pleaded complaint establishes either that federal law creates the cause of action or that the plaintiff's right to relief necessarily depends on resolution of a

substantial question of federal law." *Franchise Tax Bd. of State of Cal. v. Construction Laborers Vacation Trust for Southern California*, 463 U.S. 1, 27-28, 103 S. Ct. 2841, 77 L. Ed. 2d 420 (1983); see also *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392, 107 S. Ct. 2425, 96 L. Ed. 2d 318 (1987) (describing the "well-pleaded complaint rule"). The mere inclusion of a federal issue in a state cause of action does not guarantee the presence of federal question jurisdiction; the federal question must also be substantial as opposed to a minor, technical addition to a state claim. See, e.g., *Travelers Indem. Co. v. Sarkisian*, 794 F.2d 754, 762 (2d Cir.1986); see also *D'Alessio v. New York Stock Exchange, Inc.*, 258 F.3d 93, 99 (2d Cir.2001), cert. denied, ___ U.S. ___, 122 S. Ct. 666, ___ L.Ed.2d ___ (2001). There is no federal question as applied to me.

Finally, Plaintiff's claims fail because Plaintiff has not alleged any specific act by any specific Defendant, instead attempting to lump the Defendants together as one, in violation of Rule 8(a). See Fed. R. Civ. P. 8(a); *Atuahene v. City of Hartford*, 10 Fed. App'x 33, 34 (2d Cir. 2001) ("By lumping all the defendants together in each claim and providing no factual basis to distinguish their conduct, [plaintiff's] complaint failed to satisfy this minimum standard"); *Medina v. Bauer*, No. 02 CIV. 8837(DC), 2004 WL 136636, at *6 (S.D.N.Y. Jan. 27, 2004) ("lumping all the defendants together and failing to distinguish their conduct" failed to satisfy Rule 8 and "fail[ed] to give adequate notice to these defendants as to what they did wrong"); see also GHC Motion to Dismiss. As Plaintiff's attempt at group pleading is not permitted by Rule 8, the Complaint should be dismissed on this ground as well.

For the reasons stated herein, I respectfully ask the court to dismiss the complaint in its entirety, with prejudice.

Dated Westchester New York
August 26, 2022

DOUGLAS DUNAWAY

Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JASON DELEON, ANA CARRACA-DELEON,
ARIELA ROSA MORI-GEHRING, and
WALTER GEHRING,

Plaintiffs,

-against-

DOUGLAS DUNAWAY, MARIA LOUISE
DUNAWAY, and MICHAEL DUNAWAY,

Defendants.

Case No.: 7:22-cv-06039-NSR

Statement Pursuant to Rule 25

Defendant, Douglas Dunaway, husband and next of kin to defendant MARIA LOUISE DUNAWAY respectfully, pursuant to 25(a)(1) of the Federal Rules of Civil Procedure submits this statement and/or suggestion of the death of Maria Louise Dunaway. Annexed herewith is the death certificate.

Rule 25(a)(1) provides as follows:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Fed. R. Civ. P. Rule 25(a)(1). Under the Rule, serving a "statement noting the death", i.e., a suggestion of death, triggers a ninety (90) day period during which a motion for substitution should be filed. The Rule does not specifically identify who has authority to serve the statement, but does state that a motion for substitution may be made by a party or by the decedent's successor or representative.

Dated Westchester New York
August 26, 2022

DOUGLAS DUNAWAY

Defendant

VITAL RECORDS CERTIFICATE

DEATH TRANSCRIPT

DATE FILED THE CITY OF NEW YORK - DEPARTMENT OF HEALTH AND MENTAL HYGIENE

NEW YORK CITY
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE
Jul 19, 2022 01:11 PM

CERTIFICATE OF DEATH

Certificate No. 156-22-033277

1. DECEDENT'S LEGAL NAME MARIA L DUNAWAY
(First, Middle, Last, Suffix)

MEDICAL CERTIFICATE OF DEATH (To be filled in by the Physician)	2a. New York City	2c. Type of Place	4 <input type="checkbox"/> Nursing Home/Long Term Care Facility		2d. Any Hospice care in last 30 days	2e. Name of hospital or other facility (if not facility, street address)		
	2b. Borough	1 <input checked="" type="checkbox"/> Hospital Inpatient	5 <input type="checkbox"/> Hospice Facility		1 <input type="checkbox"/> Yes			
	Manhattan	2 <input type="checkbox"/> Emergency Dept./Outpatient	6 <input type="checkbox"/> Decedent's Residence		2 <input checked="" type="checkbox"/> No			
		3 <input type="checkbox"/> Dead on Arrival	7 <input type="checkbox"/> Other Specify		3 <input type="checkbox"/> Unknown			
	Date and Time of Death	3a. (Month) (Day) (Year-yyyy)	3b. Time <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM		4. Sex	5. Date last attended by a Physician		
		July 16 2022	2:59		Female	mm dd yyyy 07 16 2022		
6. Certifier: I certify that death occurred at the time, date and place indicated and that to the best of my knowledge traumatic injury or poisoning DID NOT play any part in causing death, and that death did not occur in any unusual manner and was due entirely to NATURAL CAUSES. See instructions on reverse of certificate.								
Name of Medical Certifier JIN YOON (Type or Print)				Signature <i>Jin Yoon</i>		D.O. M.D. N.P. R.N.A.		
Address 1000 10th Ave New York, NY 10019				License No. 354967		Signature Electronically Authenticated Date JUL-16-2022		
PERSONAL PARTICULARS (To be filled in by Funeral Director or, in case of City Burial, by Physician)	7a. Usual Residence State	7b. County	7c. City or Town	7d. Street and Number	Apt. No.	ZIP Code	7e. Inside City Limits?	
	New York	Westchester	Mamaroneck	4 Staub Ct		10543	1 <input checked="" type="checkbox"/> Yes 2 <input type="checkbox"/> No	
	8. Date of Birth (Month) (Day) (Year-yyyy)	9. Age at last birthday (years)		Under 1 Year		Under 1 Day		
	December 20 1946	75		Months *** Days *** Hours *** Minutes ***		10. Social Security No.		
	11a. Usual Occupation (Type of work done during most of working life. Do not use "retired")		11b. Kind of business or industry		12. Aliases or AKAs			
	Court Clerk		Courts		Maria Louise Dunaway			
	13. Birthplace (City & State or Foreign Country)		14. Education (Check the box that best describes the highest degree or level of school completed at the time of death)					
	Italy		1 <input type="checkbox"/> 8th grade or less; none 4 <input type="checkbox"/> Some college credit, but no degree 7 <input type="checkbox"/> Master's degree (e.g., MA, MS, MEng, MEd, MSW, MBA)					
			2 <input type="checkbox"/> 9th - 12th grade; no diploma 5 <input type="checkbox"/> Associate degree (e.g., AA, AS) 8 <input type="checkbox"/> Doctorate (e.g., PhD, EdD) or Professional degree (e.g., MD, DDS, DVM, LLB, JD)					
			3 <input checked="" type="checkbox"/> High school graduate or GED 6 <input type="checkbox"/> Bachelor's degree (e.g., BA, AB, BS)					
15. Ever in U.S. Armed Forces?		16. Marital/Partnership Status at time of death		17. Surviving Spouse's/Partner's Name (prior to first marriage) (First, Middle, Last)				
1 <input type="checkbox"/> Yes 2 <input checked="" type="checkbox"/> No		1 <input checked="" type="checkbox"/> Married 2 <input type="checkbox"/> Domestic Partnership 3 <input type="checkbox"/> Divorced 4 <input type="checkbox"/> Married, but separated 5 <input type="checkbox"/> Never Married 6 <input type="checkbox"/> Widowed 7 <input type="checkbox"/> Other, Specify		Douglas Dunaway				
18. Father/Parent Name (Prior to first marriage) (First, Middle, Last)				19. Mother/Parent Name (Prior to first marriage) (First, Middle, Last)				
Eleuterio Grimaldi				Bianca Unavailable				
20a. Informant's Name		20b. Relationship to Decedent		20c. Address (Street and Number Apt. No. City & State ZIP Code)				
Douglas Dunaway		Spouse		4 Staub Ct Mamaroneck, NY 10543				
21a. Method of Disposition				21b. Place of Disposition (Name of cemetery, crematory, other place)				
1 <input type="checkbox"/> Burial 2 <input type="checkbox"/> Cremation 3 <input checked="" type="checkbox"/> Entombment 4 <input type="checkbox"/> City Cemetery 5 <input type="checkbox"/> Other Specify				St. Mary's Cemetery				
21c. Location of Disposition (City & State or Foreign Country)				21d. Date of Disposition mm dd yyyy				
Rye Brook, New York				07 21 2022				
22a. Funeral Establishment				22b. Address (Street and Number City & State ZIP Code)				
Coxe & Graziano Funeral Home				767 E Boston Post Rd Mamaroneck, NY 10543				
No Correction History.***								

EVT202207349871

VR 15 (Rev. 01/20)

July 19, 2022

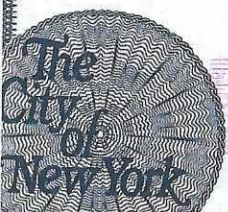
This is to certify that the foregoing is a true copy of a record on file in the Department of Health and Mental Hygiene. The Department of Health and Mental Hygiene does not certify to the truth of the statements made thereon, as no inquiry as to the facts has been provided by law.

Do not accept this transcript unless it bears the security features listed on the back. Reproduction or alteration of this transcript is prohibited by §3.19(b) of the New York City Health Code if the purpose is the evasion or violation of any provision of the Health Code or any other law.

Gratchen Van Wyke
Gratchen Van Wyke, PhD, City Registrar



1400001114725



THE CITY OF NEW YORK – DEPARTMENT OF HEALTH AND MENTAL HYGIENE
CONFIDENTIAL MEDICAL REPORT

To be filled in by FUNERAL DIRECTOR or, in case of City Burial, by Physician		Certificate No. 156-22-033277	
23. Ancestry (Check one box and specify) <input type="checkbox"/> Hispanic (Mexican, Puerto Rican, Cuban, Dominican, etc.) Specify _____ <input checked="" type="checkbox"/> NOT Hispanic (Italian, African American, Haitian, Pakistani, Ukrainian, Nigerian, Taiwanese, etc.) Specify <u>Italian</u>		24. Race as defined by the U.S. Census (Check one or more to indicate what the decedent considered himself or herself to be) 01 <input checked="" type="checkbox"/> White 02 <input type="checkbox"/> Black or African American 03 <input type="checkbox"/> American Indian or Alaska Native (Name of enrolled or principal tribe) _____ 04 <input type="checkbox"/> Asian Indian 05 <input type="checkbox"/> Chinese 06 <input type="checkbox"/> Filipino 07 <input type="checkbox"/> Japanese 08 <input type="checkbox"/> Korean 09 <input type="checkbox"/> Vietnamese 10 <input type="checkbox"/> Other Asian-Specify _____ 11 <input type="checkbox"/> Native Hawaiian 12 <input type="checkbox"/> Guamanian or Chamorro 13 <input type="checkbox"/> Samoan 14 <input type="checkbox"/> Other Pacific Islander-Specify _____ 15 <input type="checkbox"/> Other-Specify _____	
25. CAUSE OF DEATH – List only one cause on each line. DO NOT ABBREVIATE.		DECEDENT'S LEGAL NAME (Type or Print)	
a. IMMEDIATE CAUSE Septic Shock		APPROXIMATE INTERVAL- ONSET TO DEATH	
b. DUE TO OR AS A CONSEQUENCE OF Intraabdominal Abscess		days	
c. DUE TO OR AS A CONSEQUENCE OF Stage 4 Cecal Adenocarcinoma		weeks	
d. DUE TO OR AS A CONSEQUENCE OF		months	
PART II OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given in Part I. Include operation information. ***		***	
25a. Was an autopsy performed? 1 <input type="checkbox"/> Yes 2 <input checked="" type="checkbox"/> No 25b. Were autopsy findings available to complete the cause of death? 1 <input type="checkbox"/> Yes 2 <input checked="" type="checkbox"/> No	27a. If Female 1 <input checked="" type="checkbox"/> Not pregnant within 1 year of death 2 <input type="checkbox"/> Pregnant at time of death 3 <input type="checkbox"/> Not pregnant at death, but pregnant within 42 days of death 4 <input type="checkbox"/> Not pregnant at death, but pregnant 43 days to 1 year before death 5 <input type="checkbox"/> Unknown if pregnant within 1 year of death	27b. If pregnant within one year of death, outcome of pregnancy 1 <input type="checkbox"/> Live Birth 2 <input type="checkbox"/> Spontaneous Termination/ Ectopic Pregnancy 3 <input type="checkbox"/> Induced Termination 4 <input type="checkbox"/> None	27c. Date of Outcome mm dd *** *** ***
29. Did tobacco use contribute to death? 1 <input type="checkbox"/> Yes 2 <input checked="" type="checkbox"/> No 3 <input type="checkbox"/> Probably 4 <input type="checkbox"/> Unknown	30. For infant under one year: Name and address of hospital or other place of birth ***		
I am submitting herewith a confidential report of the cause of death. SIGNATURE <u><i>Lin Uoon</i></u> D.O. M.D. ADDRESS <u>1000 10th Ave New York, NY 10019-1147</u> LICENSE NO. <u>354967</u>			